

1 [Names and addresses of counsel appear on
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 DERRICK SATCHELL, KALINI
12 BOYKIN, VALERIE BROWN, RICK
13 GONZALES, CYNTHIA GUERRERO,
14 RACHEL HUTCHINS, TYRONE
15 MERRITT, KELVIN SMITH, SR., and
16 KEN STEVENSON, on behalf of
17 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 FEDEX EXPRESS, a Delaware
21 corporation,

22 Defendant.

23 Case No. C 03-2659 SI

24 CLASS ACTION

25 **STIPULATION AND [PROPOSED]**
ORDER REGARDING DEPOSITION AND
DOCUMENTS PRODUCED BY
PLAINTIFFS' EXPERT ANTHONY G.
GREENWALD, PH.D.

26 CALDWELL, et al.,

27 Case No. C 03-02878 SI

28 Plaintiffs,

vs.

FEDEX CORPORATION, et al.,

Defendants.

1 WHEREAS, Defendant FedEx Express served its Request for Production of
2 Documents From the Files and Records of Anthony G. Greenwald, Ph.D. on September 8, 2006;

3 WHEREAS, the deadline for Plaintiffs to serve responses and/or objections to
4 Defendant's request was October 9, 2006;

5 WHEREAS, on September 20 and 21, 2006, Plaintiffs produced documents to
6 Defendant in anticipation of Dr. Greenwald's September 22, 2006 deposition prior to responding
7 to the discovery request;

8 WHEREAS, the September 22, 2006 deposition did not conclude, and Plaintiffs
9 produced more documents on September 25, 2006;

10 WHEREAS, Dr. Greenwald believes that certain responsive documents, data, and
11 correspondence that were produced are confidential and/or proprietary;

12 WHEREAS, the parties met and conferred regarding those claimed confidential
13 and proprietary documents and agreed to this Stipulation;

14 The parties, through their counsel, hereby stipulate and agree as follows:

15 1. The following categories of documents produced by Plaintiffs to Defendant
16 FedEx Express¹ that were responsive to FedEx's September 8, 2006 Request for Production of
17 Documents From the Files and Records of Anthony G. Greenwald, Ph.D. —as well as testimony
18 relating to them—are to be (a) treated as proprietary and confidential; (b) used or considered only
19 for the purpose of this litigation; and (c) viewed or considered only by FedEx counsel and its
20 experts, Drs. Campion and Tetlock (who must sign the Consent to Be Bound by This Agreement
21 (attached as Exhibit A)) for use in this litigation

22 a. Documents and electronic files provided to Dr. Greenwald by the
23 other authors of the Poehlman IAT meta-analysis (cited in Dr. Greenwald's expert report),
24 including, but not limited to, the underlying data used in the analysis and correspondence relating
25 to it;

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¹ The documents at issue were all produced electronically by Plaintiffs to Defendant FedEx
Express on September 21 and 25, 2006.

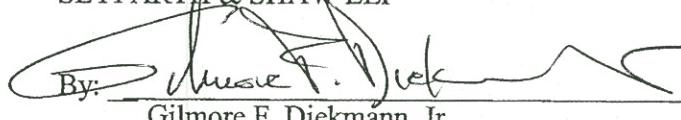
1 KAY MCKENZIE PARKER (SBN 143140)
2 225 Bush Street, 16th Floor
3 San Francisco, CA 94104
4 Telephone: (415) 227-9622
5 Facsimile: (415) 227-4522

6 WAUKEEN Q. MCCOY (SBN 168228)
7 703 Market Street, Suite 1407
8 San Francisco, CA 94103
9 Telephone: (415) 675-7705
10 Facsimile: (415) 675-2530

11 *Class Counsel*

12 Dated: *Nov.* 2, 2006

13 SEYFARTH & SHAW LLP

14 By: 
15 Gilmore F. Diekmann, Jr.

16 560 Mission Street, Suite 3100
17 San Francisco, CA 94105
18 Telephone: (415) 397-2823
19 Facsimile: (415) 397-8549

20 Frederick Douglas
21 FEDERAL EXPRESS CORP.
22 3620 Hacks Cross Road, Bldg. B, 3rd fl.
23 Memphis, TN 38125-8800
24 Telephone: (901) 434-8519
25 Facsimile: (901) 434-9271

26 Evelyn Becker
27 O'MELVENY & MYERS LLP
28 1625 Eye Street, N.W.
Washington, D.C. 20006-4001
Telephone: (202) 383-5300
Facsimile: (202) 383-5414

29 *Counsel for Defendant*

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: _____

Hon. Susan Illston
United States District Judge

EXHIBIT A

CONSENT TO BE BOUND BY THIS AGREEMENT

I, _____, hereby acknowledge that I have been provided with a copy of the Stipulation and Order Regarding Deposition and Documents Produced by Plaintiffs' Expert Anthony G. Greenwald, Ph.D. ("Order") which has been entered by the Court in Satchell v. FedEx Express Corp., Case Nos. C-03-2659 SI, C-03-02878 SI (N.D. Cal.).

I hereby agree to be bound by the terms of the Order; to not reveal any confidential or proprietary documents or testimony encompassed by the Order to anyone not designated by the Order; and to not use those documents and testimony for any purpose not directly related to this litigation.

DATE

SIGNATURE